



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: August 2, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-ADM-0087

CROSS REFERENCE

TITLE: (b) (6), (b) (7)(C), SES, (b) (6), (b) (7)(C)

EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATIONS: 5 USC § 2302 Prohibited Personnel Practices

41 USC § 423 Procurement Integrity

EPA Order 4711 Procedures for Addressing Allegations of Workplace

Harassment

ALLEGATIONS: On June 30, 2015, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of the Inspector General (OIG), Environmental Protection Agency (EPA) initiated an investigation based on a Hotline complaint containing information that (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C) EPA, may have engaged in prohibited personnel practices by ordering a subordinate by the name of (b) (6), (b) (7)(C) EPA to disclose the

names of the companies/bidders, who were competing for the new (b) (6), (b) (7)(C) building lease.

After the initiation of this investigation several witnesses were interviewed. The results of the interviews yielded allegations against (b) (6), (b) (7)(C) that include interference with hiring practices and mishandling of sexual harassment allegations. At the direction of Assistant Inspector General for Investigations Patrick Sullivan, OI, OIG, EPA, the above referenced case was opened and investigated as purely administratively matter.

FINDINGS: First, the Office of Investigations investigated the allegation that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to disclose confidential information about the identity of companies/bidders who were competing for the new (b) (6), (b) (7)(C) building lease. OIG special agents interviewed several witnesses concerning this allegation, however, with the exception of the complainant, no other witness was present when (b) (6), (b) (7)(C) allegedly asked (b) (6), (b) (7)(C) to disclose confidential procurement information. Moreover, OIG special agents interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) General Services Administration (GSA), (b) (6), (b) (7)(C) concerning this allegation. When asked whether (b) (6), (b) (7)(C) management contacted (b) (6), (b) (7)(C)

RESTRICTED INFORMATION

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concerning the names of the bidders, (b) (6), (b) (7)(C) responded that no one from EPA management team contacted (b) (6), (b) (7)(C) requesting such information.

Second, the Office of Investigations investigated whether (b) (6), (b) (7)(C) interfered with the selection of potential employees in (b) (6), (b) (7)(C) and whether (b) (6), (b) (7)(C) asked employees to engage in outreach activities outside of (b) (6), (b) (7)(C). OIG special agents conducted several interviews concerning this allegation. The following information was obtained: a witness stated that during the selection of candidates for a temporary position in (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) asked of this witness to consider two people that did not meet the qualification criteria for the position. Another witness stated that (b) (6), (b) (7)(C) transferred a former (b) (6), (b) (7)(C) employee on a hardship to (b) (6), (b) (7)(C) and subsequently employed said employee's (b) (6), (b) (7)(C). Another witness, (b) (6), (b) (7)(C) EPA explained that a member of the management team told (b) (6), (b) (7)(C) to select a group (b) (6), (b) (7)(C) for a particular full-time position. When OIG special agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) had any recollection as to who in specific told (b) (6), (b) (7)(C) to select the (b) (6), (b) (7)(C) for interviews, (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) does not have a clear recollection as to who gave (b) (6), (b) (7)(C) the direction and added that perhaps (b) (6), (b) (7)(C) received the instructions from (b) (6), (b) (7)(C) US EPA. (b) (6), (b) (7)(C) added that the decision may have come from (b) (6), (b) (7)(C). One of the witnesses interviewed, identified as (b) (6), (b) (7)(C) EPA stated that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) EPA to include an unqualified candidate to the list of qualified persons for an internal job announcement. When OIG special agents interviewed (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) knowledge of this allegation, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not have any information concerning the matter.

Additionally, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) directed employees [no names provided] to focus on minority outreach institutions serving blacks. (b) (6), (b) (7)(C) conveyed that on or about the month of October 2013, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to add (b) (6), (b) (7)(C) to the list of minority institutions. According to (b) (6), (b) (7)(C), this request contradicted the EPA's Headquarters' protocol as (b) (6), (b) (7)(C) is outside of (b) (6), (b) (7)(C).

Concerning these foregoing allegations none of the witnesses provided documentary evidence or any other type of evidence to support their statements. When interviewed by OIG Special Agents, (b) (6), (b) (7)(C) (denied all of these....)

Third, the Office of Investigations investigated whether (b) (6), (b) (7)(C) mishandled a sexual harassment inquiry conducted by (b) (6), (b) (7)(C). OIG special agents interviewed (b) (6), (b) (7)(C) EPA who stated that the subject of the sexual harassment investigation in question worked for (b) (6), (b) (7)(C) at the time (b) (6), (b) (7)(C) initiated a management inquiry to investigate the allegation made by (b) (6), (b) (7)(C) EPA against (b) (6), (b) (7)(C) EPA. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) does not know who was the deciding official in the matter, and added that another EPA employee involved in the investigation (b) (6), (b) (7)(C), (b) (5).

Contact with (b) (6), (b) (7)(C), EPA revealed that on or about the month of December 2014, (b) (6), (b) (7)(C) assigned (b) (6), (b) (7)(C) the duties of fact-finder in the sexual harassment investigation. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) involvement in the fact-

finding investigation was limited to collecting the facts associated with the incident, during which time (b) (6) worked closely with Labor Employment Relations, and Human Resources. (b) (6) concluded that upon completing the investigation, (b) (6) turned it over to (b) (6), (b) (7)(C) US EPA.

On December (b) (6), 2015, OIG special agents conducted the telephonic interview of (b) (6), (b) (6), conveyed that the decision maker in this sexual harassment matter was (b) (6), (b) (7)(C). According to (b) (6), (b) (6), (b) (7)(C) and upon review of the proposal (b) (6), (b) (7)(C), (b) (5)

Subsequent to the interview, (b) (6), provided a copy of (b) (6), SF 50 and timesheet which show that (b) (6), (b) (7)(C) served a (b) (6), (b) (7)(C) suspension starting on (b) (6), (b) (7)(C) and ending on (b) (6), (b) (7)(C).

The reporting agent conducted a review of EPA Order 3120.1, Table of Offenses and Penalties, dated September 20, 1985. The information contained in the table of penalties revealed that the administrative actions taken by (b) (6), (b) (7)(C) management appeared to be within the range of penalties for the investigated allegations of "inappropriate office behavior" and indecent conduct."

On August 24, 2016, (b) (6), (b) (7)(C) was interviewed concerning the aforementioned allegations. (b) (6), (b) (7)(C) provided the following information in sum and non-verbatim:

GSA Lease Agreement

(b) (6), (b) (7)(C) was asked if on two separate occasions if (b) (6) attempted to get an EPA employee who possessed the confidential procurement information to disclose that information to (b) (6), (b) (7)(C) responded, "That's not true."

Hiring Practices and Conflict of Interest

In reference to the allegation that (b) (6) interferes with the hiring of potential (b) (6), (b) (7)(C) personnel, (b) (6), (b) (7)(C) stated (b) (6) does not get involved in the hiring process and that people apply for jobs and that their individual experiences stand on their own.

(b) (6), (b) (7)(C) was asked about (b) (6) relationship with the (b) (6), (b) (7)(C) and whether (b) (6) is a friend of a (b) (6), (b) (7)(C) EPA. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) worked for (b) (6), (b) (7)(C) as an (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also said that prior to (b) (6), (b) (7)(C) arrival in (b) (6), (b) (7)(C) were the recipients of EPA funding. (b) (6), (b) (7)(C) added (b) (6), (b) (7)(C) believes the (b) (6), (b) (7)(C). Concerning (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not aware of (b) (6), (b) (7)(C) role as a (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) had requested that (b) (6), (b) (7)(C) be made part of a (b) (6), (b) (7)(C) outreach program. (b) (6), (b) (7)(C) responded "No, it is not" and "No, I did not try to get a MOU (memorandum of understanding) with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) does go back to (b) (6), (b) (7)(C) but as an (b) (6), (b) (7)(C), not in an official capacity.

Handling of a Sexual Harassment Complaint

The reporting agent explained to (b) (6), (b) (7)(C) that the OIG also received a complaint that a sexual harassment allegation recently investigated by (b) (6), (b) (7)(C) was not appropriately handled. The reporting agent shared with (b) (6), (b) (7)(C) that the allegation investigated by (b) (6), (b) (7)(C) was reported by (b) (6), (b) (7)(C) against (b) (6), (b) (7)(C), EPA.

(b) (6), (b) (7)(C) was informed that no sexual relationship was referenced in the EPA fact-finding report. (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) knowledge of an alleged sexual relationship was taken into consideration when (b) (6), (b) (7)(C) made (b) (6), (b) (7)(C) decision to suspend (b) (6), (b) (7)(C) (b) (5) as recommended by the proposing official. (b) (6), (b) (7)(C) responded that only the facts in the report were taken into consideration.

DISPOSITION: Based on the information obtained throughout this investigation, all allegations are unsupported.